

## ARTICLE \_\_ ACCESSORY LIVESTOCK OR POULTRY

To see if the Town will amend Section 5.014 and Article 12, of the Zoning Bylaw, by deleting the lined out language and adding the language in ***bold italics***, as follows:

### A. Amend Section 5.014, as follows:

#### 5.014 Livestock or Poultry

The raising or keeping of livestock or poultry for use by residents of the premises shall be considered as an accessory use ~~that is~~ ***in selected residential districts in Amherst, and shall not be permitted as such in other districts. All livestock and poultry raised and kept as an accessory use, whether for food, as pets, or for other uses, shall be subject to the regulations of this section.***

#### ***5.0140 The accessory raising or keeping of livestock or poultry in residential districts:***

***5.01400*** ***Shall be*** allowed by right ***in the*** Outlying Residence (***R-O***) and Low-Density Residence (***R-LD***) Districts;

***5.01401*** ***Except as provided for under Section 5.0141 below, shall be*** subject to approval of a Special Permit by the Board of Appeals ***or the Special Permit Granting Authority authorized to act under the applicable section of this Bylaw, as applicable,*** in the ***General Residence (R-G), Village Center Residence (R-VC), and Neighborhood Residence (R-N)*** ~~and Residential Village Center Districts,~~ and not permitted elsewhere.

***5.0141 In the General Residence (R-G), Village Center Residence (R-VC), and Neighborhood Residence (R-N) Districts, only domesticated rabbits (which shall include domesticated hares for the purpose of this Bylaw), and selected domestic fowl (ducks, pigeons, doves, and hens) may be raised and kept as an accessory use. No roosters, geese, swans, turkeys, pheasants, peacocks, guinea fowl, pygmy goats, potbellied pigs, or any other livestock or poultry shall be permitted.***

***The maximum allowable number of adult rabbits and selected domestic fowl in these districts shall be as follows, based upon the size of the property:***

<b><u>Property Area</u></b>	<b><u>Maximum Number (Total)</u></b>
<b><i>Less than 12,000 sq. ft.</i></b>	<b><i>By Right (no Special Permit required) - 3 adult rabbits or fowl.</i></b>  <b><i>By Special Permit - 4-6 adult rabbits or fowl, or 4-6 rabbits and fowl as a combined total.</i></b>
<b><i>12,000 sq. ft. or greater</i></b>	<b><i>By Right (no Special Permit required) - 6 adult rabbits or fowl.</i></b>

*By Special Permit - 7 or more adult rabbits or fowl, or combined total. One (1) additional adult rabbit or fowl may be added for each additional increment of 1,000 sq. ft. of lot area, up to a maximum total of 15 rabbits or 15 fowl, or 15 rabbits and fowl as a combined total.*

*For the purpose of this regulation, only reproductively mature rabbits and fowl shall be considered adults and shall count toward these maximums.*

*5.0142 All livestock or poultry shall be raised and kept in a safe and humane manner consistent with best agricultural practices and as required under all applicable local and state regulations.*

*5.0143 Any provision of Section 5.014, Livestock or Poultry, may be waived or modified by the permit granting authority for compelling reasons of public health, safety, and general public welfare.*

**B. Amend Article 12, by adding the following new definitions in alphabetical order, and renumbering the remaining sections accordingly:**

**12. \_\_** *Livestock and Poultry: All domesticated mammals and birds that are customarily raised and kept for agricultural purposes, including but not limited to horses, ponies, donkeys, mules, cattle, goats, llamas, alpacas, swine, sheep, rabbits, hares, and fowl, which shall be defined as including, but not limited to, chickens (hens and roosters), turkeys, pigeons, capons, ducks, geese, swans, pheasants, peacocks, guinea fowl, emus, and all wild mammals and game birds raised and kept in accordance with state and local law. Except as provided for under Section 5.014, livestock and poultry shall not include domesticated animals such as dogs, cats, various species of rodents, exotic birds, reptiles, fish, amphibians or wild animals customarily raised and kept as pets in accordance with state and local law.*

**12. \_\_** *Pets: Domesticated animals such as dogs, cats, selected exotic mammals (pot-bellied pigs, dwarf goats, etc.), various species of rodents (rats, mice, guinea pigs, hamsters, ferrets, chinchillas, etc.), exotic birds, reptiles, fish or amphibians. The keeping of wild animals, exotic birds, fish, reptiles, and amphibians as pets is subject to the requirements of M.G.L. Ch. 131, Sections 23, 25 and 26A, as amended, and 321 CMR 9.01, as amended.*

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*For informational purposes only:*

**In the R-G, R-VC & R-N Districts**

<b><u>Lot Size</u></b>	<b><u>Maximum Rabbits and/or Fowl</u></b>
<b>&lt; 12,000 sq. ft.</b>	<b>3 by right; 4-6 by SP</b>
<b>12,000-12,999 sq. ft.</b>	<b>6 by right; 7 by SP</b>
<b>13,000-13,999 sq. ft.</b>	<b>6 by right; 7-8 by SP</b>
<b>14,000-14,999 sq. ft.</b>	<b>6 by right; 7-9 by SP</b>
<b>15,000-15,999 sq. ft.</b>	<b>6 by right; 7-10 by SP</b>
<b>16,000-16,999 sq. ft.</b>	<b>6 by right; 7-11 by SP</b>
<b>17,000-17,999 sq. ft.</b>	<b>6 by right; 7-12 by SP</b>
<b>18,000-18,999 sq. ft.</b>	<b>6 by right; 7-13 by SP</b>
<b>19,000-19,999 sq. ft.</b>	<b>6 by right; 7-14 by SP</b>
<b>20,000 sq. ft. or more</b>	<b>6 by right; 7-15 by SP (max.)</b>

**NOTE:**

**Under Mass. General Law, farming activity—including the raising and keeping of livestock and poultry—is protected from being prohibited or regulated under local Special Permits when that activity occurs on properties of 5 acres or more, or on properties of 2 acres or more where at least \$1,000 in gross annual revenue is generated from farming activities. So it should be understood that the owner or resident of any property in any zoning district which meets the above state criteria could raise and keep livestock and poultry without limitation, regardless of any Amherst’s zoning regulations to the contrary for smaller properties.**